



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Baker Field Office

P.O. Box 947

Baker City, Oregon 97814

IN REPLY REFER TO:

4100

(#3606130)

MAR 05 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED – 7010 3090 0002 2276 3639

Lee and Glenora Wright Family Trust
c/o Mrs. Glenora Wright
2195 NW 1st Ave.
Fruitland, ID 83619

Notice of Field Manager's Proposed Decision for Modification of Grazing Permit Number 3606130

Dear Mrs. Wright:

INTRODUCTION

The Bureau of Land Management (BLM) issued revised grazing regulations in 1995, which set forth the process of establishing Standards for Rangeland Health (Title 43 Code of Federal Regulations [CFR] 4180.2). Oregon/Washington BLM Standards and Guides (S&Gs) for Rangeland Health were approved on August 12, 1997. The purpose for setting standards and identifying their indicators was to provide BLM with a rational basis for determining whether current management is meeting the Fundamentals of Rangeland Health as described under 43 CFR 4180.1.

BLM field offices in Oregon and Washington were subsequently directed to conduct assessments and then use that assessment information to craft rangeland health evaluations in relation to the state standards. These evaluations were conducted using interdisciplinary teams (IDTs) with various resource specialists, representing the biological and physical science disciplines. The IDTs collected, reviewed and analyzed the available data for the purpose of completing range health evaluations.

BACKGROUND

The assessment and Allotment Evaluations for the Pedro Mountain Geographic Unit were completed in 2007, and the Determinations were completed in 2008. As stated in these documents, the rangeland health standards for Bowman Flat Allotment #01022 are not being met on public lands, and existing grazing management practices are significant factors in failing to achieve these

standards. Standard 2, watershed function in riparian zones, was not met because 0.7 mile of Poor's Creek was rated Functioning at Risk with trend not apparent. Standard 3, ecological processes, was also not being met. Therefore, action must be taken (mandated by 43 CFR 4180) that will result in significant progress toward fulfillment of the standards. Interim management actions taken after the 2008 Determinations already have changed some of the grazing practices and made progress in the interim while the processes of interdisciplinary environmental analysis with public input pursuant to the National Environmental Policy Act (NEPA) and consultation, cooperation, and coordination with permittees, Oregon Department of Fish and Wildlife, and interested publics set out in BLM's grazing regulations have been going on.

The allotment which did not meet all standards, the Bowman Flat Allotment #01022, is the only one of your allotments within the Pedro Mountain Geographic Unit. It was addressed in an Environmental Assessment (EA). This was the EA #OR-030-08-004 originally issued on March 5, 2009, and re-released on October 3, 2011, with revisions in response to comments. Permit renewal for the Homestead Meadows Allotment #01071, which was determined to have met all standards, was addressed in a Determination of NEPA Adequacy (DNA). DNA #OR-030-07-007 signed September 28, 2007. Homestead Meadows is a Custodial allotment in the Baker Miscellaneous Geographic Unit.

Your other allotment (Table Mountain #01016) in the Baker Miscellaneous Geographic Unit is still under review and management of this allotment will not be addressed in this decision. Your permit will not be fully processed until assessment, evaluation, and NEPA analysis of all these allotments are completed. Pending completion of the permit renewal processing for all the different geographic units, your Permit Number 3606130 was renewed under the Appropriations Act in 2006 when it last expired. This decision modifies the current permit which retains an expiration date of February 28, 2016.

Table 1. The current permitted use for ALL your allotments is:

Allotment #	Active AUMs	Suspended AUMs	Total AUMs
Table Mountain 01016	678	0	678
Bowman Flat 01022	65	0	65
Homestead Meadows 01071	11	0	11

Table 2. The mandatory terms and conditions of your old term permit for these allotments, prior to this decision, were:

Allotment #	No. of Livestock	Kind	Begin Period	End Period	% Public Land	Type Use	Active AUMS
Table Mountain 01016	139	Cattle	4/16	9/10	100	Active	676
Bowman Flat 01022	32	Cattle	5/10	7/9	100	Active	64
Homestead Meadows 01071	11	Cattle	6/1	6/30	100	Active	11

PROPOSED DECISION

It is my proposed decision to implement the proposed action (Alternative 3) in EA #OR-030-08-004 (the 2011 EA), which requires modifying Grazing Permit Number 3606130 as explained below. It is also my decision to implement the following rangeland project in the Bowman Flat Allotment to assist in implementing the grazing changes contained in this decision.

Bowman Flat Allotment

The Poor's Creek Juniper Falling Project will provide for significant progress in achieving Standards 2 and 4 by protecting the greenline along the riparian zone with fallen junipers and simultaneously reducing juniper encroachment along the riparian zone. This project will assist in achieving the desired greenline stubble height by protecting bank-stabilizing plants from being heavily grazed. The fallen juniper trees will also protect vulnerable portions of the streambank from trampling.

The above project was adequately analyzed in EA #OR-030-08-004, so additional environmental review for this project would not be conducted.

It is also my decision to impose new terms and conditions on your grazing permit as described in this decision.

Table 3. The mandatory terms and conditions of the new permit are:

Allotment	No. of Livestock	Kind	Begin Period	End Period	% Public Land	Type Use	Active AUMS
Table Mountain 01016	139	Cattle	4/16	9/10	100	Active	676
Bowman Flat 01022	43	Cattle	6/1	6/30	78	Active	33
Bowman Flat 01022	42	Cattle	9/16	10/15	78	Active	32
Homestead Meadows 01071	3	Cattle	6/1	9/24	100	Active	11

The 2011 EA for Bowman Flat Allotment specifies the total AUMs available and the periods of use within which grazing may be authorized, and Table 3 shows these same numbers. The term permit has to show all available periods of use on one schedule but not exceed the yearly AUMs allotted. The **normal** period of use in the basic schedule for Bowman Flat Allotment will be either fall or spring use as shown in Table 4:

Table 4. Normal numbers of livestock and periods of use for Bowman Flat Allotment

Allotment	No. of Livestock	Kind	Begin Period	End Period	% Public Land	Type Use	Active AUMS
Bowman Flat 01022	85	Cattle	6/1	6/30	78	Active	65
Bowman Flat 01022	85	Cattle	9/16	10/15	78	Active	65

The 14 days of flexibility provided by the 2011 EA (pages 19 and 107 of the EA) for Bowman Flat Allotment would be allowed only under a signed allotment management plan or management agreement.

The AUMs of permitted use for these allotments remain the same under the new permit as under the old permit. Exchange of use for private lands did not appear on your old grazing permit. In Bowman Flat Allotment #01022, the exchange of use will be changed to percent federal range as shown above. A minor adjustment to the permitted season of use in Custodial Allotment #01071, Homestead Meadows, has been made in order to better show the date flexibility which has been allowed under current management, which is meeting all standards.

Other terms and conditions of the new permit are:

1. Wildlife escape ramps must be installed and maintained in all water troughs.
2. Modifications to the grazing permit may be implemented to protect historic properties under the National Historic Preservation Act.

3. All range projects must be inspected and maintained prior to turnout of livestock. Failure to properly complete your assigned maintenance in a timely manner will be cause for denial of authorization to either place permitted livestock on the allotment or move into the next pasture of the grazing sequence. You are also required to maintain your proportionate share of range projects whether you graze livestock or take non-use.
4. Permittee shall provide the BLM with any changes in their property ownership or control of their grazing permit or lease as soon as possible.
5. Use will be in accordance with the allotment management plan, current grazing system, or instructions issued.
6. Permit is subject to modification as necessary to achieve compliance with the standards for rangeland health and guidelines for livestock management (43 CFR 4180).
7. Unless otherwise stated, when BLM determines, based on its monitoring results, that utilization approaches or is at 50% on upland grasses or 30% on riparian shrubs and notifies the permittee, the permittee will be required to move his livestock to the next pasture in the grazing schedule or off the allotment. The permittee must ensure that all livestock are removed immediately or within a time period specified by BLM's authorized officer through 43 CFR 4150.2.
8. If BLM, based on its monitoring results, determines that end-of-season riparian stubble height targets of 3-4 inches in allotment #01022 have been exceeded for two consecutive years, BLM will notify the permittee in writing and the permittee will be precluded from grazing the allotment in the third year.
9. Salting/mineral stations shall not be located on or within ¼ mile from cultural resources or riparian areas.
10. Custodial allotment #01071 is listed as 100% public land for billing purposes only.

With respect to Condition #1 above, you are responsible for installing and maintaining wildlife escape ramps on both spring developments located on public land in the Bowman Flat Allotment. By October 1, 2012, you are required to have escape ramps installed in the troughs located in T. 13 S., R. 42 E., Sec. 25 NE 1/4 NE 1/4, and in T. 13 S., R. 43 E., Sec. 30 NW 1/4 NW 1/4. You are also required to have escape ramps installed in all troughs at the following spring projects in Table Mountain Allotment by the same date.

Table 5. Water developments in Table Mountain Allotment

Rangeland Improvement Number	Project Name	Allotment Number	Location
740300	Bog Spring	01016	T.13S., R43E., Sec. 34 NWNE
740603	Black Flat Spring #2	01016	T.13S., R43E., Sec. 27 SWSW

RATIONALE FOR THE PROPOSED DECISION

The actions in this Proposed Decision respond to the Purpose and Need explained in the 2011 EA: to modify livestock grazing management practices in order to make significant progress towards meeting rangeland health. Modification of the grazing permit is in conformance with the applicable Land Use Plan.

The Baker Resource Management Plan (RMP) of July 1989 provides management direction for Pedro Mountain Geographic Unit under Vegetation Allocation, both Upland and Riparian, which states that BLM will restrict livestock grazing through seasons of use, utilization levels and livestock numbers.

The most recent RMP Planning Update of February 2000 states:

“After an S&G assessment is completed, and if it is determined that the standards are not being met (and livestock grazing was a significant factor), appropriate action must be taken to address the problem. This action may include modifying the grazing system or season of use; reducing permitted numbers; constructing additional fencing or developing additional water facilities; deferring use on a pasture; or establishing different utilization standards.”

The proposed action described in the EA will allow for attainment of all applicable RMP objectives listed in the EA. No new issues or new demands for the use of the public lands involved have been identified, and the current multiple use allocation of resources remains appropriate.

Rangeland trend studies completed since you voluntarily rested Bowman Flat Allotment in 2007 and the interim management strategy was implemented in 2008 indicate significant progress toward meeting Standard 3 in Bowman Flat Allotment is being achieved, which provides strong evidence that the management outlined in this decision is working. Riparian monitoring in 2010 and 2011 indicates stubble heights after grazing have been well above the identified targets, which will allow continued stabilization and improvement of riparian vegetation and make significant progress toward meeting Standard 2.

The proposed action is consistent with and supports the Oregon/Washington Standards for Rangeland Health and Guidelines for Livestock Grazing Management. The changes in periods of use outlined in this decision would result in fewer days of intense use of riparian zones in hot weather, and they would give more days for the riparian vegetation to recover following grazing. They would provide periodic deferral from grazing until after critical growth periods, which would promote plant vigor, reproduction, and productivity. This periodic deferral, which has already been put into practice, is the main reason that ecological processes (Standard 3) are improving. Further, riparian utilization targets would be employed to help achieve proper functioning condition in riparian areas (Standard 2), and to conform with livestock grazing management guidelines to provide adequate cover and plant community structure to promote streambank stability, debris and sediment capture, and floodwater energy dissipation. Falling junipers along the riparian zone will assist in accomplishing these objectives.

The utilization targets also are to conform to guidelines to provide adequate cover (live plants, plant litter and residue) to promote infiltration, conserve soil moisture and to maintain soil stability in upland areas.

AUTHORITY

My authority for this Proposed Decision is found in statutory and regulatory authorities contained in the Taylor Grazing Act as amended, the Federal Land Policy and Management Act of 1976, as amended, and Title 43 of the Code of Federal Regulations (CFR), Part 4100 (2005), including but not limited to sections: 4110.2-2 Specifying permitted use; 4110.3 Changes in permitted use; 4120.3-1 Conditions for range improvements; 4130.2 Grazing permits or leases; 4130.3 Terms and conditions; 4130.3-1 Mandatory terms and conditions; 4130.3-2 Other terms and conditions; 4130.3-3 Modification of permits or leases; 4160.1 Proposed decisions; 4160.2 Protests; 4160.3 Final decisions; and 4180.2 Standards and guidelines for grazing administration.

PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested public may protest a proposed decision under 43 CFR 4160.1 and 4160.2, in person or in writing to Ted Davis, Field Manager, Baker Resource Area, Bureau of Land Management, P.O. Box 947, 3285 11th Street, Baker City, Oregon 97814 within 15 days after receipt of this proposed decision. The protest, if filed, should clearly and concisely state the reasons as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3(a), in the absence of a protest, this proposed decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3(b), upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the Authorized Officer shall issue a final decision.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in writing to the office of the Authorized Officer (given above and on the letterhead). The appellant must also serve a copy of the appeal by certified mail to the Office of the Solicitor, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and persons named [43 CFR 4.421(h)] in the “Copies sent to” section of this decision.

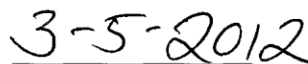
The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise comply with provisions of 43 CFR 4.470. All grounds of error not stated shall be considered waived, and no such waived ground of error may be presented at the hearing unless ordered or permitted by the administrative law judge.

If you wish to file a petition for a stay, see 43 CFR 4.471(a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) Relative harm to the parties if the stay is granted or denied.
- (2) Likelihood of the appellant's success on the merits.
- (3) Likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Ted Davis, Field Manager
Baker Resource Area



Date

Copies sent to: Confederated Tribes of the Umatilla Indian Reservation
Hells Canyon Preservation Council
ODFW
Oregon Wild
Zions Agricultural Finance